

The Academic Booster Club also will present awards to students whose grades improve, honorable mention awards to those who came close, and awards to inspirational teachers. Additional club activities include providing volunteers for school mentoring programs and raising scholarship funds for teacher endowments.

Mr. Speaker, we know that the quality of our students' education is the key to both their future success and to America's future in the global environment. We know that we must do all we can to prepare our young people for the challenges of the 21st century and to promote academic excellence in our schools. I am proud of these efforts in my hometown, and I ask my colleagues today to join me in saluting the Rockwall Academic Booster Club and the outstanding students in Rockwall, TX, whose dedication to academic excellence deserves our recognition.

PRESUMPTIVE DISABILITY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 5, 1997

Mr. STARK. Mr. Speaker, today, I am introducing legislation that incorporates the Supplemental Security Income's presumptive disability system into the Social Security Disability Insurance [SSDI] program.

The Social Security Administration [SSA] is still confronted with a backlog of nearly 1 million cases waiting for disability determination. In fiscal years 1994–96, administration requested additional funds for disability investment funding in order to help SSA handle the exorbitant amount of disability claims. The administration requested \$534 million for disability investment funding as part of the regular administrative budget for fiscal year 1996. These funds were specifically earmarked for processing disability related workloads. Congress appropriated disability investment funding in the amount of \$387.5 million for fiscal year 1996. I supported these past efforts, but we must do more to help these people in their time of urgent need.

Social Security currently has over almost 1 million pending applications for disability benefits. Social Security realizes the challenge it faces in processing an overwhelming number of disability cases. It has made efforts within the past 2 years to reengineer the disability determination process. In 1995, a disability applicant had to wait an average of 5 months to get an initial decision. Today, a disability applicant can expect to wait an average of 3.5 months. I commend the Social Security Administration for their work in reducing the time a needy person must wait for a determination. However, there is still the need to deliver assistance quickly.

In recent years, Congress has heard complaints of deserving applicants waiting months before receiving desperately needed funds, and in some cases, dying before a decision is made. For example, in Arizona a disability applicant was forced to leave her secretarial job due to injuries resulting from a serious auto accident. She applied to the Social Security Administration for disability benefits to offset the loss of her income. She did not realize that she was venturing into an understaffed,

underfunded Federal program that often forces disabled people to wait months to learn whether they qualify for benefits. After a year wait, she was successful in obtaining the benefits to which she was entitled only after hiring an attorney who specialized in such cases. These kinds of long delays are repeated in anecdote after anecdote.

The SSI Program makes an initial determination that presumes a person to be disabled if they fit certain severe disability criteria. These people begin to receive SSI benefits immediately and the SSA then has a 6-month period to make the final determination of eligibility using the SSA's definition of disability.

Being able to receive SSI benefits on the basis of a presumptive disability determination provides the disabled person with much needed money immediately. However, for a worker who has paid into Social Security and becomes disabled, there is no comparable process to identify the people that would most likely qualify for DI benefits. My legislation would remedy this problem by providing for determinations of presumptive disability under Title II of the Social Security Act in the same manner and to the same extent as is currently applicable under title XVI of such act.

This means that if a person is found to be presumptively disabled under title II and meets the requirements for entitlement benefits, the person will begin to receive benefits, after the initial 5 month waiting period required before DI benefits can be paid, for up to 6 months while the final determination is being made. If the person is presumed eligible to receive DI benefits, then their dependents shall also begin to receive benefits.

If however, in the final determination, a claimant's impairment does not meet SSA's definition of disability, they and their dependents shall not be responsible for returning the money they received during the presumptive eligibility determination period.

In some instances, a person may be presumed eligible for SSI benefits before being found to be presumptively disabled under title II. In this case, the person will still be entitled to only 6 months of presumptive disability benefits. In most States, while receiving SSI benefits, a person is eligible for Medicaid. Under this proposal, claimants who would have been eligible for SSI benefits, were it not for their receipt of DI presumptive disability benefits, would be deemed eligible for SSI, making them eligible for Medicaid in those States where SSI eligibility triggers Medicaid eligibility. When the final determination for DI benefits is made, the claimant loses the Medicaid eligibility. Medicare will be provided to disabled workers and their dependents after they have been receiving disability benefits for 24 months, including the time they were receiving presumptive disability payments.

IN MEMORIAM OF MELINE KASPARIAN

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 5, 1997

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise today to pay tribute to a wonderful woman who dedicated her life to edu-

cating children in the Commonwealth of Massachusetts. Ms. Meline Kasparian, president of the Massachusetts Teachers Association, former member of the Amherst Town Meeting, past president of the Springfield Education Association, and teacher of literature, writing, and drama in Springfield for 25 years was lost to the people of Massachusetts during the recent August recess. Though she spent 2 years battling cancer, her death was nonetheless sudden and shocking to us all.

Meline strove to ensure educational opportunities for all students, without regard to their socio-economic background. She had a profound belief in the public school system. She knew that for thousands of children it was their best opportunity to succeed in life and she was determined to make sure that they were given the best education possible.

Meline spearheaded reforms in her own school system—initiating the Team Approach to Better Schools in Springfield. She was also a vocal advocate during the legislative battle for the Massachusetts Education Reform Act, which is today helping to improve the standards in every public school across the State.

As the representative for the teachers, Meline also showed an enormous amount of strength. She fought for better working conditions for teachers—knowing that those were the same conditions that our children are learning in. Meline knew that we need to invest more in our public schools in order for our children to succeed.

During my tenure in the House of Representatives I had the opportunity and privilege to work with Meline. Her unwavering devotion to improving public education never ceased to impress me. I will always remember Meline as a tireless advocate for public education. Her energy and drive will be sorely missed in the Commonwealth of Massachusetts.

SUPPORT MOTION TO INSTRUCT CONFEREES ON H.R. 1119

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 5, 1997

Mr. TRAFICANT. Mr. Speaker, last night the House debated a motion I offered to instruct House conferees on H.R. 1119, the fiscal year 1998 Defense authorization bill, to retain the amendment I had passed to the bill authorizing the use of United States troops on our border with Mexico. I urge all Members to support this motion and support this important provision. I would like to share with Members some compelling reasons to support the Traficant amendment.

The Traficant amendment authorizes the Secretary of Defense—at the expressed request of the Attorney General and/or the Secretary of the Treasury—to redeploy up to 10,000 U.S. troops to assist the Border Patrol, the INS, or the Customs Service in preventing illegal aliens, drug traffickers, terrorists, and narcotics from entering the United States. The Traficant amendment merely gives the Pentagon the authority to transfer troops—it does not require them to do anything. The transfer of troops could only be made if the Attorney General or Treasury Secretary requests such assistance.

The troops would only be providing support and assistance—they would not be directly involved in any arrests or civil law enforcement actions. Once again, the Traficant amendment does not mandate the redeployment of troops—it simply provides the President with that option. Under the Traficant amendment, if the President decides to deploy troops to the border, the Pentagon would work with Federal law enforcement to decide how and where to deploy troops.

The Border Patrol has only 6,800 personnel to guard the two longest borders of one of the largest countries of the world. The Federal drug czar, Gen. Barry McCaffrey, recently said that, to do the job right, the Border Patrol needs 25,000 agents. It will take years to even come close to that level. The Traficant amendment represents a prudent stop-gap measure to bolster the Border Patrol and Customs Service—until they have enough personnel to get the job done. But keep in mind that Congress and the President may never have the political will to fund that level of personnel for the Border Patrol and Customs Service.

We have United States troops currently being paid by the United States taxpayer that are defending Haiti, Bosnia, Europe, and Japan. Why not bring a small number of those troops with specific skills home to protect America from drugs and narcoterrorists? That's what the Traficant amendment is all about.

Over the past year, Border Patrol agents have been shot at from the Mexican border. General McCaffrey has been threatened by the drug cartel. Most disturbingly, cocaine and heroin continue to pour into this country through Mexico. Our children are being poisoned by these narcotics. Communities are being destroyed by drugs. Whole generations of Americans are being lost to gangs and drug-related violence. Our prisons are overflowing with young Americans convicted of drug-related crimes. We are under siege.

In my view, drugs pose more of a threat to national security than the situation in Haiti, Bosnia, or Japan. Yet have thousands of troops deployed overseas—supposedly to protect our national security. Some have argued that deploying troops along our border will detract from military readiness. I don't buy that argument, especially when we have United States troops in Haiti giving dog vaccinations, building homes, and directing traffic. How does that add to readiness. We recently had United States troops in Bosnia retreat from a bridge because of a rock throwing mob. How does forcing U.S. combat troops to retreat from mobs contribute to military readiness?

The military claims that they do not support the Traficant amendment. Let me remind Members that in this country we have civilian control of the military. The military executes the will of the people through the Congress of the United States and the President. The truth is, if the military can build houses, direct traffic, and give rabies shots in Haiti, they can provide some assistance to Federal law enforcement in patrolling our border.

I want to emphasize that the Traficant amendment in no shape or form changes Posse Comitatus. Under the Traficant amendment, if troops are used to assist the Border Patrol and Customs Service they would not have arrest powers and they would not have the authority to engage in law enforcement functions.

However, there are within the U.S. military certain units and personnel that have the type of training and equipment that would be of great help to Federal law enforcement along the border. Let's take a look at the types of things the U.S. military could do: transport Border Patrol agents to points of penetration, aerial reconnaissance; surveillance, intelligence sharing, and inspection.

Many Members have decried the potential cost of deploying up to 10,000 troops to our border. Let me make a couple of points. First, my amendment authorizes up to 10,000. The real number, should we have a President that decides to deploy troops to the border, could be 10, it could be 100, it could be 1,000. Second, whether or not United States troops are deployed on the United States-Mexican border, or deployed to Haiti, South Korea, Japan, or Italy—the United States taxpayers still have to pay their salaries, pay their benefits, pay for their food, and pay to move them.

If Members and the Pentagon are concerned about the cost or concerned about diverting troops from other missions, then the Congress should work out a program whereby we transfer troops from less pressing missions—such as Haiti and Bosnia and bring them home to America. Right now, the troops we have in Haiti and Bosnia—more than 7,000—would be unavailable for deployment in the event of a conflict on the Korean Peninsula or the Persian Gulf. All I am saying is, why not transfer troops currently stationed in Haiti, and places like Bosnia to our own border?

It's time for Congress to stop talking about the war on drugs and start doing something to win it. I urge Members to support the Traficant amendment and the motion to instruct conferees.

RECOGNIZING FRED GRAY: A CIVIL RIGHTS PIONEER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 5, 1997

Mr. STOKES. Mr. Speaker, I recently received a letter from a good friend, Mr. Charlie Black. In his letter, Charlie reminded me about the life and contributions of an extremely dedicated and talented civil rights attorney, Fred D. Gray.

When people pause to reflect on the civil rights movement, many remember the contributions of people like Rosa Parks and Martin Luther King, Jr. But few realize the contributions of countless others, who were, and continue to be, instrumental in the movement for racial justice and equality.

Fred Gray is one of these figures. Throughout his life, Mr. Gray has always taken an active role in the advancement of the civil rights movement. Of his many notable contributions, some may remember the work of Fred Gray when he served as counsel for Rosa Parks. As her attorney, Gray helped Parks defend her right to sit where she wanted to on a publicly segregated Alabama bus.

Still others may remember meeting attorney Fred Gray when they met the late Dr. Martin Luther King, Jr. Gray was present when Reverend King, then a young man, was chosen to lead civil rights initiatives in Alabama. Later,

he served as counsel for both King and Dr. Ralph Abernathy.

During his lifetime, Fred Gray consistently sought to right the wrongs of society. When America continued to maintain the notion that "separate but equal" was fair and just, Fred Gray fought to prove that segregation was inherently wrong. He traveled around the country representing school children who needed the assistance of a skilled lawyer, and sometimes a few soldiers, to take advantage of the same educational opportunities enjoyed by white school children.

At a time when the voting power of African-Americans was being diluted due to the gerrymandering of voting districts, Fred Gray fought to prevent racially motivated realignment of municipal boundaries. His fight would take him all the way to the U.S. Supreme Court, where he argued the famous Gomillion versus Lightfoot case.

The critical feature of the Gomillion case is that it established, in the words of the Supreme Court, that "even the broad power of a state to fix the boundaries of its municipalities is limited by the Fifteenth Amendment, which forbids a state to deprive any citizen of the right to vote because of [their] race." Therefore, the Gomillion case set a precedent for all others, and not only affected the State of Alabama, but also every State in the Union. Essentially, the case protected the rights and effectiveness of African-American voters.

Further, Fred Gray actively participated in overcoming other significant challenges facing African-Americans. He was an integral component of the civil rights movement, fighting courtroom battles that would impact the lives of all African-Americans. Such a battle manifested itself in the form of the Tuskegee Syphilis Study case in the summer of 1973.

From 1932 to 1972, the Government unethically studied the effects of untreated syphilis on African-American males in Tuskegee, AL. In July 1972, the New York Times exposed the study, which subsequently was halted by Federal order. However, the damage was already done.

The Government had used 399 black men as guinea pigs in order to study the effects of syphilis. The men did not know they were infected, nor did they realize that the treatment which could have cured them was intentionally withheld. When the men from the Tuskegee Syphilis Study needed an attorney, they went to Fred Gray. Gray brought the case to trial and eventually gained a \$9 million settlement for the survivors and their families.

Moreover, the Tuskegee case changed research practices on human subjects in the United States. As a direct consequence of Fred Gray's efforts, the National Research Act was signed into law in 1974. The act created the national Commission for the Protection of Human Subjects of Biomedical Behavioral Research. From this, basic principles of research conduct were established and the informed consent of those participating in federally funded research was made a requirement.

Mr. Speaker, it is with great pride that I remember and share the life of Fred Gray. Mr. Gray is an outstanding man who remains active in his church, his community, and the law. Currently, Fred Gray works with his two sons and acts as managing partner of the Tuskegee law firm Gray, Langford, Sapp, McGowan, Gray & Nathanson. In addition, he is also involved in facing new challenges